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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,727	02/20/2004	Takao Yamamoto	0505-1273P	3598
2292	7590	10/14/2005		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER CARTER, WILLIAM JOSEPH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/781,727

**Applicant(s)**

YAMAMOTO, TAKAO

**Examiner**

William J. Carter

**Art Unit**

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/11/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lakosky (6,109,769).

With respect to claim 1, Lakosky teaches a lamp apparatus for a vehicle comprising: a lamp unit (24) having a light emitting diode (62) as a light source in a lamp body (40); and voltage adjustment means (69) for adjusting a voltage to be applied to the light emitting diode; wherein the voltage adjustment means is provided separately outside the lamp body (Fig. 5).

As for claim 2, Lakosky teaches the voltage adjustment means (69) is attached to a supporting member (10) on which the lamp unit (24) is supported.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakosky in view of Meggs et al. (4,597,033).

With respect to claims 3, 4, and 6, Lakosky teaches all of the claimed elements as disclosed above as well as the lamp's power source and circuitry being provided separately relative to the lamp body and being disposed in a separate housing relative to each other (Fig. 1), except Lakosky does not teach a lamp relay apparatus and the voltage adjustment means being positioned within the relay apparatus. Meggs, drawn to vehicular LED lighting, teaches a lamp relay (48), and a voltage adjustment means (Rn) being positioned within the lamp relay apparatus (circuit shown in Fig. 8) for selectively turning the lamp unit on and off (column 6, lines 21-23). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the relay apparatus of Meggs in the lamp apparatus of Lakosky, in order to selectively activate the LED lighting when the vehicle loses power (column 6, lines 21-23).

As for claim 5, Lakosky teaches all of the claimed elements as disclosed above, as well as an oscillation circuit (68), except Lakosky does not teach a relay coil and an armature for operating in response to a magnetic force from the relay coil. By definition (<http://electronics.howstuffworks.com/relay1.htm>) the relay of Meggs includes a relay coil and a magnetic force (electromagnet) and an armature for operating in response to a magnetic force from the relay coil. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the relay of Meggs to receive the output from the oscillation circuit of Lakosky in order to selectively activate the LED lighting when the vehicle loses power (column 6, lines 21-23).

As for claims 7 and 8, Lakosky teaches a winker (item 24 and column 6, lines 36-39) having a light emitting diode (62) as a light source in the lamp body (40); and a voltage adjustment means being a resistor (69) for adjusting a voltage to be applied to the light emitting diode; wherein the voltage adjustment means is provided separately from the lamp body (Fig. 5). Lakosky does not teach a relay in the winker apparatus. Meggs teaches a relay (48). ). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the relay of Meggs in the lamp apparatus of Lakosky, in order to selectively activate the LED lighting when the vehicle loses power (column 6, lines 21-23).

As for claims 9-12, all of the further limiting elements have been disclosed above in the discussion of claim 3-6 respectively.

As for claim 13, Lakosky teaches a lamp case (44) wherein the light emitting diode (62) is attached to part of the lamp body case (Fig. 2), but Lakosky does not teach the case formed from a member having a high heat transfer property. Meggs teaches a lamp case made of a member (10) having a high heat transfer property (column 3, lines 67-68). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the metal member of Meggs in the lamp case of Lakosky, in order to provide either a permanent or removable mounting for the light apparatus (column 3, line 67- column 4, line 2).

Claims 14-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakosky in view of Meggs as applied to claims 3-13 above, and further in view of Bischoff (6,158,882).

As for claims 14-16 and 19, Lakosky in view of Meggs teaches all of the claimed elements as disclosed above, as well as a bottom wall (44) disposed directly adjacent to the light emitting diode (Fig. 1) is a heat radiating member and has a greater thickness (Fig. 1 and Fig. 5) relative to a circumferential wall (42) of the lamp apparatus (24) and the bottom wall being a cover mounted in a rear opening of the lamp apparatus (Fig. 1 and Fig. 5), except Lakosky in view of Meggs does not teach the voltage adjustment means being attached to an inner side of the bottom wall. Bischoff, drawn to vehicular LED lighting, teaches a voltage adjustment means (36) being attached to the inner side of a bottom wall (29). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the resistor of Bischoff in the lamp apparatus of Lakosky in view of Meggs, in order to limit the current into the LEDs (Abstract).

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakosky in view of Meggs further in view of Bischoff as applied to claims 14-16 and 19 above, and further in view of Serizawa (6,715,909).

As for claims 17 and 18, Lakosky in view of Meggs further in view of Bischoff teaches all of the claimed elements as disclosed above, except for an electric circuit being spaced apart with a partition wall between the resistance circuit that is positioned on a circumferential wall of the lamp apparatus. Serizawa, drawn to LED lighting in vehicles, teaches a resistance circuit (20) positioned on a circumferential wall (2) of the lamp apparatus (1) being spaced apart from an electric circuit ("electric power supply" from Abstract) by a partition wall (21). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the circuitry arrangement of Serizawa

in the lamp apparatus of Lakosky in view of Meggs further in view of Bischoff, in order to make the electrically connecting portions of the lamp waterproof (column 4, lines 25-30).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Carter whose telephone number is (571)272-0959. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee S. Luebke can be reached on (571)272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wjc  
10/07/05



RENEE LUEBKE  
PRIMARY EXAMINER